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ARBITRATION CONVENTION BETWEEN PORTUGAL AND THE NETHERLANDS ¹

Signed at The Hague, April 3, 1913

Her Majesty the Queen of the Netherlands and the President of the Portuguese Republic, considering that the execution of the convention concluded between the Netherlands and Portugal at The Hague, October 1, 1904, concerning the boundary of Dutch and Portuguese possessions in the Island of Timor, has given rise to a dispute on the subject of the area of the part of the boundary considered in Article 3, Number 10, of that convention, and wishing to end this dispute amicably, according to Article 13 of the said convention, and Article 38 of the Convention for the Pacific Settlement of International Disputes concluded at The Hague October 18, 1907, have named as their plenipotentiaries, to wit: [Here follow names of plenipotentiaries] Who, duly authorized to this end, have agreed upon the following articles:

ARTICLE 1

The Government of Her Majesty the Queen of the Netherlands and the Government of the Portuguese Republic agree to submit the above mentioned dispute to a single arbitrator to be chosen from the members of the Permanent Court of Arbitration.

If the two governments cannot agree upon the choice of such an arbitrator, they will address a request to the President of the Swiss Confederation to designate him.

ART. 2

On the basis of the facts furnished to him by the parties, the arbitrator shall decide according to the treaties and the general principles of international law, how, conformably with Article 3, Number 10 of the convention concluded at The Hague on October 1, 1904, concerning the boundary of Dutch and Portuguese possessions in the Island of Timor, the frontier should be fixed starting from the Noel Bilomi, as far as the source of the Noel Meto.

¹ Translated by courtesy of Mr. S. F. Bemis, of Medford, Mass., from official print of the award published in French by the International Bureau of the Permanent Court of Arbitration.

ART. 3

Each of the parties, through the intermediary of the International Bureau of the Permanent Court of Arbitration, within a period of three months after the exchange of ratifications of the present convention, shall deposit with the arbitrator a Case containing the recital of its rights and the supporting documents, and shall immediately furnish to the other party a true attested copy.

Upon the expiration of the time limit above mentioned each of the parties shall have an additional period of three months to deposit with the arbitrator, through the intermediary above-mentioned, a second Case, if he should deem it useful, a true attested copy of which shall be furnished to the opposite party.

The arbitrator is authorized to grant each of the parties who may request it an extension of two months in proportion to the time limit mentioned in this article. He shall give notice of each prorogation to the opposite party.²

ART. 4

After the exchange of these Cases, no written or verbal communications shall be made to the arbitrator, unless the latter apply to the parties to obtain from them, or from one of them, additional written information.

The party who shall give this information shall furnish immediately to the other party a true attested copy and the latter may, if he deems it fit, within a period of two months after the reception of that copy, communicate in writing to the arbitrator the observations to which that information has given place. These observations shall in the same way be communicated immediately in true attested copy to the opposite party.

ART. 5

The arbitrator shall sit in a place to be designated by him

ART. 6

The court shall make use of the French language in the award as well as in the communications that it may have occasion to address to the

² A prorogation of two months was accorded the parties for the deposit of their *second Cases*.

parties in the course of the procedure. The Cases and other communications emanating from the parties shall be drawn up in that language.

ART. 7

The arbitrator shall decide on all questions that may arise relative to the procedure during the course of the litigation.

ART. 8

Immediately after the ratification of the present convention each of the parties shall deposit in the hands of the arbitrator a sum of two thousand francs as security for the expense of the procedure.

ART. 9

The award shall be communicated in writing by the arbitrator to the parties.

The reasons for it shall be given.

The arbitrator shall fix the expense of the procedure in the award. Each party shall bear its own expenses and an equal part of the said expense of the procedure.

ART. 10

The parties agree to accept as final judgment the decision pronounced by the arbitrator within the limits of the present convention, and to execute it with no reservation.

All disputes concerning the execution shall be submitted to the arbitrator.

ART. 11

The present convention shall be ratified and shall go in force immediately after the exchange of ratifications, which shall take place at The Hague as soon as possible.

In witness whereof, the two plenipotentiaries have signed the present convention and affixed thereto their seals.

Done in duplicate at The Hague, April 3, 1913.

(L.-S.) (Signed) R. DE MAREES SWINDEREN

(L.-S.) (Signed) ANTONIO MARIA

BARTHOLOMEU FERRERIA.